

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROSIE MARTINEZ,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

DECLARATION OF
GABRIEL P. HARVIS

16 CV 79 (RPK) (CLP)

Gabriel P. Harvis declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

I am a partner in the law firm of Elefterakis, Elefterakis & Panek, attorneys for plaintiff Rosie Martinez. As such, I am fully familiar with the facts and circumstances of this case. I submit this declaration in support of plaintiff's opposition to defendants' partial motion for summary judgment and to dismiss.


Exhibits to Plaintiff's Opposition

1. Annexed hereto as Exhibit 1 is a copy of the Affidavit of Rosie Martinez dated December 18, 2020;
2. Annexed hereto as Exhibit 2 is a copy of the Martinez Deposition Transcript, December 29, 2016;
3. Annexed hereto as Exhibit 3 is a copy of the Danny Rivera Deposition Transcript, October 29, 2018;
4. Annexed hereto as Exhibit 4 is a copy of the Joseph DiGennaro Transcript, February 28, 2019;
5. Annexed hereto as Exhibit 5 is a copy of the Search Warrant Affidavit;
6. Annexed hereto as Exhibit 6 is a copy of the DiGennaro Transcript, September 19, 2017;
7. Annexed hereto as Exhibit 7 is a copy of the Evidence Discrepancy Investigation;
8. Annexed hereto as Exhibit 8 is a copy of the Memo of DiGennaro Violations & Misconduct;
9. Annexed hereto as Exhibit 9 is a copy of the Arraignment Transcript, 1/23/2015;

10. Annexed hereto as Exhibit 10 is a copy of the Investigation Card;
11. Annexed hereto as Exhibit 11 is a copy of the CCRB Case # 2015-05687, Case Summary;
12. Annexed hereto as Exhibit 12 is a copy of the Property clerk invoice 4000286418;
13. Annexed hereto as Exhibit 13 is a copy of the Transcript of Rosie Martinez IAB Interview, September 9, 2015;
14. Annexed hereto as Exhibit 14 is a copy of the 50-h hearing testimony;
15. Annexed hereto as Exhibit 15 is a copy of the CCRB excerpt;
16. Annexed hereto as Exhibit 16 is a copy of the Martinez Deposition Transcript, January 23, 2020;
17. Annexed hereto as Exhibit 17 is a copy of the IAB Audio Recording of Danny Rivera Interview, 9/9/15;
18. Annexed hereto as Exhibit 18 is a copy of the Intentionally Blank;
19. Annexed hereto as Exhibit 19 is a copy of the Hanrahan Report;
20. Annexed hereto as Exhibit 20 is a copy of the NYPD IG Report on OG Complaint Process;
21. Annexed hereto as Exhibit 21 is a copy of the Transcript Ryan Statement to IAB, 1/21/16;
22. Annexed hereto as Exhibit 22 is a copy of the Property Clerk Invoice 4000286418;
23. Annexed hereto as Exhibit 23 is a copy of the Laliberte Deposition Transcript;
24. Annexed hereto as Exhibit 24 is a copy of the Camhi Call to Command Center Transcript;
25. Annexed hereto as Exhibit 25 is a copy of the IAB Investigative Report - Martinez, September 9, 2015;
26. Annexed hereto as Exhibit 26 is a copy of the IAB Investigative Report - Rivera, September 9, 2015;
27. Annexed hereto as Exhibit 27 is a copy of the Deposition Transcript of Lt. Camhi;
28. Annexed hereto as Exhibit 28 is a copy of the Deposition Tr., Eric Ryan, February 5, 2019;
29. Annexed hereto as Exhibit 29 is a copy of the Response to Request for Admission;
30. Annexed hereto as Exhibit 30 is a copy of the Trotter Deposition, October 31, 2018;
31. Annexed hereto as Exhibit 31 is a copy of the Plaintiff's First Response to Defendants' Discovery Demands;
32. Annexed hereto as Exhibit 32 is a copy of the [REDACTED];
33. Annexed hereto as Exhibit 33 is a copy of the [REDACTED];
34. Annexed hereto as Exhibit 34 is a copy of the Medical Screening Form;
35. Annexed hereto as Exhibit 35 is a copy of the OLPA;

36. Annexed hereto as Exhibit 36 is a copy of the IAB Investigative Report is a copy of the Camhi Call;
37. Annexed hereto as Exhibit 37 is a copy of the PG§210-04 Prisoner requiring medical treatment;
38. Annexed hereto as Exhibit 38 is a copy of the PG§210-07 Prisoners is a copy of the Unusual Occurrence;
39. Annexed hereto as Exhibit 39 is a copy of the QHC Progress Note, 1/23/15;
40. Annexed hereto as Exhibit 40 is a copy of the 107th Command Log;
41. Annexed hereto as Exhibit 41 is a copy of the QCB Command Log;
42. Annexed hereto as Exhibit 42 is a copy of the QCDA Intake Bureau Crime Report;
43. Annexed hereto as Exhibit 43 is a copy of the Photos of plaintiff's hands;
44. Annexed hereto as Exhibit 44 is a copy of the Trotter Deposition;
45. Annexed hereto as Exhibit 45 is a copy of the Peter Callaghan Decl.;
46. Annexed hereto as Exhibit 46 is a copy of the Rosie Martinez CCRB Intake Call;
47. Annexed hereto as Exhibit 47 is a copy of the Notice of Claim;
48. Annexed hereto as Exhibit 48 is a copy of the Ryan CCRB Interview Tr.;
49. Annexed hereto as Exhibit 49 is a copy of the Pontecorvo memo book;
50. Annexed hereto as Exhibit 50 is a copy of the Pontecorvo deposition;
51. Annexed hereto as Exhibit 51 is a copy of the QHC note;
52. Annexed hereto as Exhibit 52 is a copy of the Incision photo;
53. Annexed hereto as Exhibit 53 is a copy of the Meds; and
54. Annexed hereto as Exhibit 54 is a copy of the Camhi memo book.

Dated: Briarcliff Manor, New York
December 18, 2020



Gabriel P. Harvis